

# Notice of Allowability

Application No.

10/779,770

Examiner

Zachary M. Pape

Applicant(s)

OYAMADA, TAKASHI

Art Unit

2835

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/29/06.
2. ☒ The allowed claim(s) is/are 1-8, 11-18, 21-28 and 31-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

The following detailed action is in response to the correspondence filed 6/29/2006.

#### ***Election/Restrictions***

1. This application is in condition for allowance except for the presence of claim 9-10, 19-20, 29-30 directed to Species III and IV non-elected without traverse (See the restriction mailed 12/15/2005). Accordingly, claims 9-10, 19-20, and 29-30 been cancelled.

#### ***Specification***

2. The objection to the specification (Abstract) has been withdrawn in view of the amendment to the abstract.

#### ***Response to Arguments***

3. Applicant's arguments, see Pages 14-21, filed 6/29/06, with respect to claims 1-8, 11-18, 21-28, 31-35 have been fully considered and are persuasive. The rejection of claims 1-5, 11-14, 21-24 has been withdrawn.

#### ***EXAMINER'S AMENDMENT***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roland E. Long, Jr. (41,949) on 8/31/2006.

The application has been amended as follows:

In claim 21, line 8, "an outward movement" has been changed to read, - - the outward movement - -.

In claim 31, line 9, "an housing inside" has been changed to read, - - "a housing inside - -.

In claim 32, line 7, "fins that protrudes" has been changed to read - - fins that protrude - -.

In claim 32, line 10, "an housing inside" has been changed to read - - a housing inside - -.

In claim 33, line 7, "fins that protrudes" has been changed to read - - fins that protrude - -.

In claim 33, line 10, "an housing inside" has been changed to read - - a housing inside - -.

In claim 34, line 9, "an housing inside" has been changed to read - - a housing inside - -.

***Allowable Subject Matter***

5. Claims 1-8, 11-18, 21-28, 31-35 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1-8, the allowability resides in the overall structure of the device as recited in independent claim 1 and at least in part because claim 1 recites, "an airtight sealed housing...a movable fin that protrudes to the outside of said sealed housing, outward movement of the fin being caused by a rise in internal temperature".

The aforementioned limitations in combination with all remaining limitations of claim 1 are believed to render said claim 1 and all claims dependent therefrom (Claims 2-8) patentable over the art of record.

With respect to claims 11-18, the allowability resides in the overall structure of the device as recited in independent claim 11 and at least in part because claim 11 recites, "a sealed housing.. wherein an internal calorific value increase of the housing causes an atmospheric pressure increase inside the sealed housing and the increased atmospheric pressure acts against a housing inner side of the fin to provide a force causing the outward movement of the fin".

The aforementioned limitations in combination with all remaining limitations of claim 11 are believed to render said claim 11 and all claims dependent therefrom (Claims 12-18) patentable over the art of record.

With respect to claims 21-28, the allowability resides in the overall structure of the device as recited in independent claim 21 and at least in part because claim 21 recites, "a sealed airtight housing.. a movable fin that protrudes to the outside of the housing, the outward movement of the fin depending on a rise in internal pressure".

The aforementioned limitations in combination with all remaining limitations of claim 21 are believed to render said claim 21 and all claims dependent therefrom (Claims 22-28) patentable over the art of record.

With respect to claim 31, the allowability resides in the overall structure of the device as recited in independent claim 31 and at least in part because claim 31 recites, "a airtight sealed housing.. a movable heat radiation fin that protrudes to the outside of the sealed housing, outward movement of the fin being caused by a rise in internal pressure".

The aforementioned limitations in combination with all remaining limitations of claim 31 are believed to render said claim 31 patentable over the art of record.

With respect to claim 32, the allowability resides in the overall structure of the device as recited in independent claim 32 and at least in part because claim 32 recites, "a sealed housing.. movable heat radiation fins that protrude to the outside of the sealed housing, outward movement of the fins being caused by a rise in internal pressure".

The aforementioned limitations in combination with all remaining limitations of claim 32 are believed to render said claim 32 patentable over the art of record.

With respect to claim 33, the allowability resides in the overall structure of the device as recited in independent claim 33 and at least in part because claim 33 recites, "a sealed housing.. movable heat radiation fins that protrude to the outside of the sealed housing, outward movement of the fins being caused by a rise in internal pressure".

The aforementioned limitations in combination with all remaining limitations of claim 33 are believed to render said claim 33 patentable over the art of record.

With respect to claims 34-35, the allowability resides in the overall structure of the device as recited in independent claim 34 and at least in part because claim 34 recites, "a sealed housing that airtight seals.. movable heat radiation fins protruding through an outside of the cover, outward movement of the fins being caused by a rise in an internal pressure".

The aforementioned limitations in combination with all remaining limitations of claim 34 are believed to render said claim 34 and any dependents therefrom (Claim 35) patentable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 7,040,383; US 4,233,645; and US 5,305,184 all further teach housings with fins.

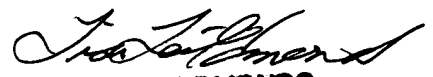
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZMP

  
**LISA LEA-EDMONDS**  
**PRIMARY EXAMINER**